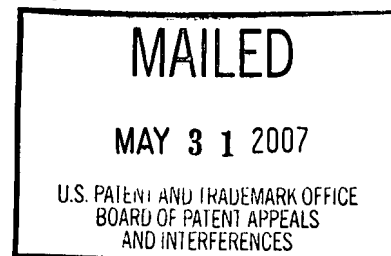


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KURT THIESSEN, MARIUS BUIBAS
and JOSEP-MARIA SERRA

Application No. 10/607,892



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 4, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement (IDS) was filed May 5, 2006. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

EXAMINER'S ANSWER

The Examiner's Answer mailed February 9, 2006, appears to reflect a new ground of rejection (see pg. 5, paragraph 2). In the Final Rejection mailed June 1, 2005, the rejection was identified as:

"Claim 47 stands rejected under 35 USC 102(b) as being anticipated by Yuji (JP0631906)."

However, in the Examiner's Answer mailed February 9, 2006, the rejection is identified as:

"Claim 48 stands rejected under 35 USC 102(b) as being anticipated by Yuji (JP0631906)."

Any new ground(s) of rejection presented in the Examiner's Answer must be approved by a Technology Center Director or designee as required by the Manual of Patent Examining Procedures (MPEP) § 1207.05.

Appropriate correction is required.

CONCLUSION


Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDS filed May 5, 2006;
- 2) issue and mail written notification to appellant regarding the result of the examiner's consideration;

- 3) to acquire the approval for any new ground of rejection; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeal Administrator
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PJN/eld

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